

### **REMARKS**

The Office Action mailed December 2, 2005 has been carefully considered.

Claims 1-46 are pending.

Claims 1, 2, 5, 10-12, 21-24, 27, 32-34 and 43-46 stand rejected.

Claims 3, 4, 6-9, 13-20, 25, 26, 28-31 and 35 -42 are objected to.

Claims 1,2,5,10,12,19,20,23,24,27,29,32,24,41,42,43,and 45 have been amended.

Claims 3,4,6-9,13-18,22,25,26,28,30,31,35-40 and 44 have been cancelled.

Claims 47-53 have been added.

The disclosure is objected to for containing informalities. More specifically, the disclosure contains the term "To Be Determined."

Applicant thanks the Examiner for his observation and has made appropriate correction to the specification to remove the objected-to language.

In view of the amendment to the specification, applicant respectfully requests that the objection be withdrawn.

Claims 1, 23, 27-28, 43 and 45 are objected-to for containing informalities. Claims 1, 23 and 45 include a misspelled word, claims 27-28 include the term "steps 1 and 2," and claim 43 is in improper dependent form.

Applicant thanks the Examiner for his observation and has made appropriate correction to the claims to correct or remove the objected-to language.

In view of the amendment to the claims, applicant respectfully requests that the objection be withdrawn.

Claims 1, 10, 13, 16, 23, 32, 35, 38 and 45 stand rejected under 35 USC 112, second paragraph, as being indefinite.

Applicant thanks the Examiner for his observations regarding the form of the claims and has amended claims 1, 23 and 45 with regarding the lack of antecedent basis in the terms "source," "clone," and "data content."

With regard to claims 10, 13, 16, 32, 35, and 38, Applicant respectfully disagrees in part. With regard to the term "extents of the clone," applicant, through his attorney, submits that the

specification on page 9 describes “an extent [is] a number of contiguous data block on an LU that is represented by a specific amount of data, e.g., a bit in a map, e.g., a bitmap” and “*Clone*—[a]nother LU, other than the Source LU, but which is a copy of the specified Source.”

Accordingly, one skilled in the art would understand that the term “extent of the clone” would describe “a number of contiguous data blocks” within the clone, which is “another LU, other than the source LU.” Therefore, it is respectfully submitted that the referred-to term is not indefinite as the terms “extent” and “clones” are clearly described in the written description of the instant patent application.

With regard to the term “may be” applicant disagrees with the remarks made in the Office Action but has amended the recited claims to contain the term “are” in place of “may be.”

For at least these reasons applicant submits that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.

Claims 3, 4, 6-9, 13-20, 25, 26, 28-31 and 35-42 are objected to but would be allowable if rewritten in independent form.

Applicant thanks the Examiner for the indication of allowable subject matter and has amended the independent claims to include the subject matter recited in claim 3.

In view of the amendments made to the independent claims, applicant submits that the independent claims are in a form comparable to the indication of allowable subject matter. Applicant requests reconsideration and the issuance of a Notice of Allowance for the remaining claims.

Claims 1, 2, 5, 10-12, 21-24, 27, 32-34, and 43-46 stand rejected under 35 USC 103(a) as being unpatentable over Young (USP no. 6,898,681 in view of Major (USP no. 5,455,932) and Ball (UPPPA no. 2003/0204510).

Applicant respectfully disagrees with the reasons for rejecting the claims stated in the Office Action. However, as argued above, the independent claims have been amended to include the subject matter contained in claim 3, which the Examiner indicated would be in an allowable form. For at least this reason, applicant submits that the reason for the rejection of the claims has been overcome and respectfully requests withdrawal of the rejection and allowance of the claims.

Claim 47-53 are new. No new matter has been added. Support for claims 47-53 may be found in claims 27-42.

Applicant: David Haase, *et al.*  
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In view of the foregoing, the applicant believes that the application is in condition for allowance and respectfully request favorable reconsideration.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at 914 798 8505.

Please charge all fees occasioned by this submission to Deposit Account No. 05-0889.

Respectfully submitted,

Dated: \_\_\_\_\_

3/9/06



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